



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
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GAVIN NEWSOM, Governor
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Governor's Office of Planning & Research

September 30, 2019

SEP 30 2019

STATE CLEARINGHOUSE

Dave Redding
Redwood Valley County Water District
P.O. Box 399
Ukiah, CA 95482

Subject: Mitigated Negative Declaration for Redwood Valley Water Infrastructure Retrofit, State Clearinghouse Number 2019089113

Dear Mr. Redding:

On September 6, 2019, California Department of Fish and Wildlife (CDFW) received a Notice of Completion (NOC) for a Mitigated Negative Declaration (MND) regarding the Redwood Valley Water Infrastructure Retrofit Project (Project). As a Trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary to sustain their populations. As a Responsible Agency, CDFW administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations in our role as a Trustee and Responsible Agency under the California Environmental Quality Act (CEQA; California Public Resource Code § 21000 et seq.).

CDFW's primary concern with the draft MND is that it does not adequately assess, map, or disclose all potentially significant impacts to natural resources, nor does it provide specific, effective, and feasible mitigation that will reduce potential impacts to less than significant. The MND defers rare plant surveys and an assessment of wetland impacts to a later date. The MND also does not analyze potential impacts to amphibians and oak woodlands, an important and declining wildlife habitat, or include specific mitigation measures, as appropriate. Because the MND does not include an adequate assessment of the fish and wildlife resources on site and the potential impacts to these resources, it does not afford the public and State resource agencies the opportunity for meaningful review. For this reason, CDFW recommends the MND be recirculated once biological survey results are completed and incorporated into the document and potentially significant impacts are adequately assessed.

Project Description

The Project is in Redwood Valley, north of the town of Calpella, in Mendocino County, and replaces water mains and adds additional water mains within the existing service

area to add resiliency to the system. It replaces water meters and adds flush-out valves to improve water quality and facilitate the future installation of fire hydrants. Approximately 9,100 feet of existing pipeline will be replaced, and approximately 10,900 feet of new pipeline will be installed. Project documents cite several wetlands and watercourses within the project area, and the valley floor is a woodland dominated by oaks. Importantly, CDFW was not given the opportunity to consult on this Project prior to receipt of the NOC.

Identification of Potential Impacts and Effective Mitigation

The Biological Resource Assessment (BRA) for this Project cites a desk-review of the potential presence of rare plants and Sensitive Natural Communities (SNC), and a single field visit to the site on August 5, 2019, to scope the Project area for rare plants, SNC, and wetlands. Although the BRA discusses local policies regarding oaks and oak woodlands, no further mention is made regarding the potential impacts to oaks or oak woodlands or mitigation for impacts. It identifies the potential presence of a rare plant, congested-headed hayfield tarplant (*Hemizonia congesta* ssp. *congesta*), several watercourses, several “*potential wetlands*,” and one SNC.

According to the California Natural Diversity Database, the congested-headed hayfield tarplant has a California Rare Plant Rank of 1B.2, meaning it is rare or endangered in California and elsewhere, and has a State Ranking of S2. This S2 State Rank signifies it is imperiled in the state because of rarity due to a very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the state.

The BRA defers surveys for the congested-headed hayfield tarplant and other potentially occurring rare plants until immediately prior to construction and proposes avoidance of the plant or the creation of a restoration plan if avoidance is not feasible. Without rare plant survey results, CDFW and the Lead Agency cannot adequately assess potential impacts to this species or determine whether mitigation is feasible and effective in reducing the impact to less than significant. The MND should incorporate completed botanical survey results into the MND to assess potential impacts and propose effective and feasible mitigations, as necessary.

Several “*potential*” wetlands are noted in the BRA and mapped. Project mapping shows several cases of pipeline disturbance through these potential wetland features. The MND proposes avoidance of these features through rerouting the pipeline or by horizontal directional drilling (HDD). It states that wetlands will be delineated to state and federal standards only when avoidance is not feasible. The MND does not discuss specific mitigation measures, nor does it analyze how the Project may have direct or indirect impacts from construction pollution or changes in hydrology. For instance, the MND does not propose disturbance buffers, which are a common impact avoidance measure. Mitigations for any unavoidable Project impacts are deferred to a later date

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during the permitting process. Again, the deferral of a wetland delineation when the MND indicates that wetlands are present on the Project site and development and disclosure of mitigations does not allow for meaningful review of this document. The MND should include a completed wetland delineation for these features, as well as effective, feasible mitigations, as necessary.

Although the Project site is dominated by oak trees, the MND does not address potential impacts to oak woodlands or individual oak trees. The oak species mentioned in Project documents is the valley oak (*Quercus lobata*), and it is likely that most of the Project area is a Valley Oak Woodland.

The CDFW Vegetation Classification and Mapping Program maintains a current list of vegetation types (Natural Communities) Alliances, Associations, and Special Stands, and ranks their Global and State rarity. Natural Communities with ranks of 1-3 are considered sensitive, and project impacts to them should be addressed during the CEQA process.

Valley Oak Woodland is State ranked S3 and is thus considered a SNC and potentially significant impacts should be addressed in a CEQA document (CEQA, Appendix G). In addition, the MND cites the Mendocino County General Plan Action Item RM-28-1 regarding SNCs and Oak Woodlands in general. The Lead Agency has a responsibility to address this resource both as a SNC and as a resource identified in local policy. The MND should assess potentially significant impacts to oaks and Valley Oak Woodlands, and include specific, effective, and feasible mitigations, as appropriate, if impacts cannot be avoided.

Although the MND acknowledges the likely presence of both foothill yellow-legged frog (*Rana boylei*), a State Candidate species pursuant to CESA and western pond turtle (*Actinemys marmorata*) a California Species of Special Concern, it does not provide measures to avoid or minimize impacts to these species. Although work within streams and riparian areas should be limited to the dry season as a condition of a CDFW Lake and Streambed Alteration Agreement, upland portions of Project work may occur at any time of year, including the wet season, when these species may be moving through upland areas. Of particular concern, is the potential for open trenches to trap these and other species, and for the ponding of water in the trenches, which may attract and trap these species. Therefore, the MND should include measures, including, but not limited to, covering open trenches at night, covering the ends of pipes when being stored, dewatering trenches, and providing escape ramps from trenches. The work area should be surveyed for these and other species at the start of each day to prevent the take of animals.

Summary of Recommendations

- 1) The Lead Agency should revise the MND to incorporate the results of botanical surveys, wetland delineations, and potential impacts to all SNCs, such as Valley Oak Woodlands.
- 2) The revised MND should disclose avoidance methods, and when avoidance is not feasible, it should describe specific, effective, and feasible mitigations that include monitoring and success criteria.
- 3) The revised MND should incorporate standard methods to prevent the entrapment of wildlife and potential take of State Candidate and other sensitive species.

Thank you for the opportunity to comment on this MND. CDFW staff are available to meet with you to consult with or address the contents of this letter in greater depth. If you have questions on this matter or would like to discuss these recommendations, please contact Environmental Scientist Daniel Harrington at (707) 456-0335 or by e-mail at daniel.harrington@wildlife.ca.gov.

Sincerely,



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